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இணைப்பு II .

[27 ஆம் பக்கத்தில் இனம் 5 (2) -க்கான அடிக்குறிப்பை காண்க.]

L.A. BILL No. 8 OF 1973.

(As passed by the Assembly.)

A Bill further to amend the Public Wakfs (Extension of Limitation) Act, 1959, in its application to the State of Tamil Nadu.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fourth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Public Wakfs (Extension of Limitation) Tamil Nadu Amendment Act, 1973.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 31st December 1972.

2. *Amendment of section 3, Central Act 29 of 1959.*—In section 3 of the Public Wakfs (Extension of Limitation) Act, 1959 (Central Act 29 of 1959), for the expression “the 31st day of December 1972”, the expression “the 31st day of December 1975” shall be substituted.

இணைப்பு III .

[28-ஆம் பக்கத்தில் இனம் 5 (3) -க்கான அடிக்குறிப்பைக் காண்க.]

L.A. BILL No. 39 OF 1972.

(As passed by the Assembly.)

A Bill further to amend the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973.

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(2) It shall come into force on such date as the Government may, by notification, appoint.

2. *Amendment of section 1, Tamil Nadu Act 18 of 1960.*—In section 1 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960) (hereinafter referred to as the principal Act),—

(1) in the marginal heading, for the words "*commencement and duration*", the words "*and commencement*" shall be substituted;

(2) in sub-section (2),—

(a) clause (a) shall be numbered as sub-clause (i) thereof and

(i) in sub-clause (i) as so numbered,—

(A) for the words, brackets and figures "except sub-sections (2) and (8) of section 3", the words, brackets and figures "except sub-section (2) of section 3" shall be substituted;

(B) after the words "City of Madras", the words "and to the City of Madurai" shall be inserted;

(C) in the proviso, after the words "City of Madras", the words "or to the City of Madurai" shall be inserted;

(ii) after sub-clause (i) as so numbered, the following sub-clause shall be inserted, namely:—

"(ii) Where this Act had, under the proviso to sub-clause (i), ceased to apply to any such municipality or City as is mentioned in that proviso, the Government may, by notification, apply this Act, except sub-section (2) of section 3, to any such municipality or City with effect from such date as may be specified in the notification.";

(b) in clause (b),—

(i) for the words, brackets and figures "Sub-sections (2) and (8) of section 3", the words, brackets and figures "sub-section (2) of section 3" shall be substituted;

(ii) after the words "City of Madras", the words "or to the City of Madurai" shall be inserted;

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(iii) the words " and the Government may cancel or modify any such notification " shall be added at the end;

(c) after clause (c), the following clause shall be inserted namely :—

" (d) Upon the issue of notification under the proviso to sub-clause (i) of clause (a) or of a notification of cancellation under clause (b) or clause (c), this Act, or as the case may be, the provision thereof, shall cease to apply, except as respects things done or omitted to be done before such cesser; and section 8 of the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891), shall apply upon such cesser as if this Act or such provision had then been repealed by a Tamil Nadu Act; but such cesser shall not be deemed to affect the power of the Government under sub-clause (ii) of clause (a) or under clause (b) or clause (c) again to apply this Act or any such provision to any area mentioned in that sub-clause or clause. ";

(3) sub-section (3) shall be omitted.

3. *Amendment of section 2, Tamil Nadu Act 18 of 1960.*—In section 2 of the principal Act—

(1) for clause (3), the following clause shall be substituted, namely :—

" (3) ' Controller ' means any person appointed by the Government, by notification, to exercise the powers of a Controller under this Act for such area as may be specified in the notification; ";

(2) in clause (4),—

(i) in sub-clause (a), the word ' and ' occurring at the end shall be omitted;

(ii) after sub-clause (a), the following sub-clause shall be inserted, namely :—

" (aa) in relation to the City of Madurai, the first day of May 1971, and ";

(3) after clause (6), the following clause shall be inserted, namely :—

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“(6-A) ‘member of his family’ in relation to a land-lord means his spouse, son, daughter, grand-child or dependent parent;”;

(4) for clause (8), the following clause shall be substituted, namely :—

“(8) ‘tenant’ means any person by whom or on whose account rent is payable for a building and includes the surviving spouse, or any son, or daughter, or the legal representative of a deceased tenant who—

(i) in the case of a residential building, had been living with the tenant in the building as a member of the tenant's family up to the death of the tenant; and

(ii) in the case of a non-residential building, had been in continuous association with the tenant for the purpose of carrying on the business of the tenant up to the death of the tenant and continues to carry on such business thereafter,

and a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a building by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been framed out or leased by a municipal council or a panchayat union council or the municipal corporation of Madras or the municipal corporation of Madurai.”.

4. Amendment of section 3, Tamil Nadu Act 18 of 1960.—In section 3 of the principal Act,—

(1) in sub-section (1), in clause (a),—

(i) in *Explanation I*, in item (i), for the word “whole”, the words “whole or part” shall be substituted;

(ii) in *Explanation II*, for the word “whole” wherever it occurs, the words “whole or part” shall be substituted;

(2) in sub-section (2), for the words and brackets “In any municipality (including the City of Madras)”, the words “In the City of Madras or in the City of Madurai or in any municipality” shall be substituted;

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(3) in sub-section (3), for the words, brackets and figure "If, within seven days of the receipt by the authorized officer of a notice under sub-section (1)", the words, brackets and figure "If within ten days of the receipt by the authorized officer of a notice from the landlord under sub-section (1)" shall be substituted;

(4) after sub-section (3), the following sub-section shall be inserted namely :—

"(3-A) The Government may, on an application made by the landlord, within fifteen days from the date of the communication of the intimation by the authorized officer under sub-section (3), rectify any error apparent on the face of the record";

(5) in sub-section (4), for the words "seven days", the words "ten days" shall be substituted;

(6) sub-section (8), shall be omitted;

(7) in sub-section (9),—

(i) in clause (a), in sub-clause (ii), the proviso and the Explanation thereunder shall be omitted:

(ii) after clause (c), the following clause shall be added namely :—

"(d) (i) If the authorized officer who takes possession of the building under clause (a), is of the opinion that the building is not in a tenantable condition, he may prepare or cause to be prepared an estimate of the repairs necessary to make the building tenantable and give notice to the landlord to carry out the repairs within a reasonable time.

(ii) If the landlord fails to make necessary repairs to the building within such reasonable time, the authorized officer may make such repairs, or allot the building subject to the condition that the allottee shall carry out the repairs according to the aforesaid estimate and deduct the cost of such repairs from the rent payable to the landlord in such monthly instalments as may be specified by the authorized officer :

Provided that in no case such monthly instalment shall exceed one-half of the monthly rent payable by the tenant. ";

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(8) in sub-section (10) to clause (c), the following proviso shall be added, nameiy : —

“ Provided that this clause shall not apply to any building, if—

(i) the portions occupied by the full owner and the tenant are self-contained and separate units;

(ii) the full owner does not actually occupy the building for residential purposes; or

(iii) the full owner is in actual occupation of another residential building ; or ”.

5. *Insertion of new section 3-A in Tamil Nadu Act 18 of 1960.*—After section 3 of the principal Act, the following section shall be inserted, namely :—

“ *3-A Release of building.*—(1) A landlord may apply to the authorized officer for the release of a building in respect of which a notice has been given under sub-section (1) of section 3 or in respect of which, the Government are, under sub-section (5) of section 3, deemed to be the tenant if—

(a) in the case of a residential building, the landlord requires it for his own occupation or for the occupation of any member of his family and the landlord or the member of his family is not occupying any residential building of his own in the city, town or village concerned ;

(b) in the case of a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, the landlord requires it for his own use or for the use of any member of his family and the landlord or the member of his family is not using any such building of his own in the city, town or village concerned ;

(c) in the case of any non-residential building other than the non-residential building mentioned in clause (b), the landlord or any other member of his family requires it for the purpose of his business and the landlord or the member of his family does not occupy any such non-residential building of his own for the purpose of his business in the city, town or village concerned ; or

(d) the building, whether residential or non-residential, whose landlord is a religious, charitable, educational or other public institution, is required for the purpose of such institution.

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(2) The authorized officer may, if he is satisfied that the claim of the landlord is *bona fide* and reasonable, make an order releasing the building subject to such conditions and restrictions as he may think fit and if he is not so satisfied, make an order rejecting the application made under sub-section (1).

(3) Any person who is aggrieved by an order passed by the authorized officer under sub-section (2) may, within fifteen days from the date of receipt of such order, prefer an appeal to the Government and the Government shall pass such order as they deem fit and on such appeal being preferred, the Government may order stay of further proceedings in the matter pending decision on the appeal.

(4) A building released in pursuance of an order made under sub-section (2) shall, within thirty days of the date of the receipt of the order or such further period as may be allowed by the authorized officer, be occupied by the landlord or by the member of his family for whose occupation the building was required to be released or shall be put to such use for which the release was obtained.

(5) Where a building released under sub-section (2) has not been occupied by the landlord or by the member of his family or has not been put to such use for which the release was obtained within the period specified in sub-section (4), but is either let out or kept vacant the whole or any part of the building, or put to use other than the one for which the release was obtained, such building shall be deemed to have become vacant from the date of the expiry of the period specified in sub-section (4) and the provisions of sub-sections (1), (3), (4), (5), (7) and (9) of section 3 shall apply to such building. ”

6. *Substitution of section 4, Tamil Nadu Act 18 of 1960.*--For section 4 of the principal Act, the following section shall be substituted, namely :—

“ 4. *Fixation of fair rent.*—(1) The Controller shall, on application made by the tenant or the landlord of a building and after holding such enquiry as he thinks fit, fix the fair rent for such building in accordance with the principles set out in the following sub-sections.

(2) The fair rent for any residential building shall be nine per cent gross return per annum on the total cost of such building.

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(3) The fair rent for any non-residential building shall be twelve per cent gross return per annum on the total cost of such building.

(4) The total cost referred to in sub-section (2) and sub-section (3) shall consist of the market value of the site in which the building is constructed, the cost of construction of the building and the cost of provision of any one or more of the amenities specified in Schedule I as on the date of application for fixation of fair rent :

Provided that while calculating the market value of the site in which the building is constructed, the Controller shall take into account only that portion of the site on which the building is constructed and of a portion up to fifty per cent thereof of the vacant land, if any, appurtenant to such building, the excess portion of the vacant land, being treated as amenity :

Provided further that the cost of provision of amenities specified in Schedule I shall not exceed—

(i) in the case of any residential building, fifteen per cent; and

(ii) in the case of any non-residential building, twenty-five per cent,

of the cost of site in which the building is constructed, and the cost of construction of the building as determined under this section.

(5) (a) The cost of construction of the building including cost of internal water-supply, sanitary and electrical installations shall be determined with due regard to the rates adopted for the purpose of estimation by the Public Works Department of the Government for the area concerned. The Controller may, in appropriate cases, allow or disallow an amount not exceeding thirty per cent of the cost of construction having regard to the nature of construction of the building.

(b) The Controller shall deduct from the cost of construction determined in the manner specified in clause (a), depreciation calculated at the rates specified in Schedule II. ”.

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7. *Amendment of section 5, Tamil Nadu Act 18 of 1960.*—
In section 5 of the principal Act,—

(1) In sub-section (1), after the words “has been fixed”, the words “or refixed” shall be inserted;

(2) after sub-section (2), the following sub-section shall be added, namely:—

“(3) Where the fair rent of any building has been fixed before the date of the commencement of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973, the landlord or the tenant may apply to the Controller to refix the fair rent in accordance with the provisions of section 4 and on such application, the Controller may refix the fair rent”.

8. *Amendment of section 7, Tamil Nadu Act 18 of 1960.*—(1)
In section 7 of the principal Act, in sub-section (1),—

after the word “fixed”, the words “or refixed” shall be inserted;

(2) for the proviso to clause (b), the following proviso shall be substituted, namely:—

“Provided that where before the fixation or re-fixation of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for the period commencing on the date of the application by the tenant or landlord under section (1) of section 4 or sub-section (3) of section 5, as the case may be, ending with the date of such fixation or re-fixation.”.

9. *Amendment of section 8, Tamil Nadu Act 18 of 1960.*—In section 8 of the principal Act,—

(1) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Landlord liable to give receipt for rent or advance”;

(2) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every landlord who receives any payment towards rent or advance shall issue a receipt duly signed by him for the actual amount of rent or advance received by him.”;

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(3) in sub-section (2), in the proviso, for the words “ three miles ”, the words “ five kilometres ” shall be substituted.

10. *Amendment of section 10, Tamil Nadu Act 18 of 1960.*—
In section 10 of the principal Act,—

(1) to sub-section (2), the following *Explanation* shall be added, namely :—

“ *Explanation.*—For the purpose of this sub-section default to pay or tender rent shall be construed as wilful, if the default by the tenant in the payment or tender of rent continues after the issue of two months’ notice by the landlord claiming the rent. ” ;

(2) in sub-section (3), clause (a), for the words “ his son ” wherever they occur, the words “ any member of his family ” shall be substituted;

(3) after sub-section (3), the following sub-section shall be inserted, namely :—

“ (3-A) (a) Where the landlord has been or is a member of the Armed Forces and—

(i) is released or has retired from service and the building is bona fide required for his residence ; or

(ii) is stationed at a place where on account of military exigencies, he cannot live with his family or dies on active duty and the building is bona fide required for the resident of his family, the Controller shall, on application made by the landlord or the member of his family, as the case may be, if he is satisfied that the claim of the landlord or the member of his family is *bona fide* pass an order directing the tenant to put the landlord or the member of his family in possession of the building and if the Controller is not so satisfied, he shall make an order rejecting the application.

Notwithstanding anything contained in clause (a), where the landlord or the member of his family produces a certificate from the prescribed authority under the Indian Soldiers (Litigation) Act, 1925 (Central Act IV of 1925), that the landlord is serving under special conditions within the meaning of section 3 of that Act, the application referred to in clause (a) shall be disposed of, as far as may be, within a period of one month and if

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the claim of the landlord or the member of his family is accepted, the Controller shall pass an order directing the tenant to put the landlord or the member of his family in possession of the building on such date as may be specified in the order which shall not be later than one month from the date of such order.

Explanation.—For the purpose of this sub-section, ‘member of the Armed Forces’ means a person in the service of the Air Force, Army or Navy of the Union of India and includes a seaman and ‘seaman’ means every person including a master, pilot or apprentice employed or engaged as a member of the crew of a ship or a sailing vessel to which the Merchant Shipping Act, 1958 (Central Act 44 of 1958), applies :

Provided that if a question arises whether any person is a member of the Armed Forces, such question shall be decided by the Controller and his decision shall be final.”;

(4) in sub-section (5), in clause (a), after the word, brackets and figure “sub-section (3)”, the words, brackets, figure and letter “sub-section (3-A)” shall be inserted;

(5) in sub-section (7) and the proviso thereto, for word brackets and figure “sub-section (3)” wherever it occurs, the words, brackets; figures and letter “sub-section (3) or sub section (3-A)” shall be substituted.

11. *Amendment of section 12, Tamil Nadu Act 18 of 1960.*—In section 12 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

“(3-A) (a) Any person aggrieved by an order passed by the authorized officer under section (1) may, within fifteen days from the date of the receipt of such order, prefer an appeal to the Government and the Government shall pass such order, including extension of time for vacating the building, as they deem fit.

(b) On such appeal being preferred, the Government may order stay of further proceedings pending decision on the appeal.”.

12. *Amendment of section 13, Tamil Nadu Act 18 of 1960.*—In section 13 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Where in pursuance of an order passed by the authorized officer under clause (b) of sub-section (1) of section 12, any building is totally demolished and a new building is erected

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in its place, all the provisions of this Act shall cease to apply to such new building for a period of five years from the date on which the construction of such new building is completed and notified to the local authority concerned. ”.

13. *Amendment of section 16, Tamil Nadu Act 18 of 1960.*— In section 16 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Where in pursuance of an order passed by the Controller under clause (b) of sub-section (1) of section 14, any building is totally demolished and a new building is erected in its place, all the provisions of this Act shall cease to apply to such new building for a period of five years from the date on which the construction of such new building is completed and notified to the local authority concerned. ”.

14. *Amendment of section 17, Tamil Nadu Act 18 of 1960.*— In section 17 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) No landlord shall without just or sufficient cause, cut off or withhold or cause to be cut off withheld any of the amenities enjoyed by the tenant or were in existence during the pervious tenancy. ”;

(2) (i) in sub-section (3), the words “ with a view to compel him to vacate the building or to pay an enhanced rent or to harass him ” shall be omitted;

(ii) to sub-section (3), the following proviso shall be added, namely :

Provided that if the amenities are not restored within seven days from the date of the interim order, the Controller may permit the tenant to restore the amenities at his own cost and recover the cost of the expenses incurred by the tenant in respect of restoration of such amenities from the rent payable to the landlord in such monthly instalments as may be specified by the Controller. ”;

(3) in sub-section (4), after the words “ the tenant has been in enjoyment of the amenities ” the words “ or that the amenities were in existence during the previous tenancy ” shall be inserted.

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15. *Substitution of section 18, Tamil Nadu Act 18 of 1960.*—For section 18 of the principal Act, the following sections shall be substituted, namely :—

“ 18. *Execution of orders.*—(1) Every order made under section 10, 14, 15, 16 and 17 and every order passed on appeal under section 23 or on revision under section 25 shall be executed by the Controller, as if, such order is an order of a civil court and for this purpose, the Controller shall have all the powers of a civil court.

(2) An order passed in execution under sub-section (1) shall not be subject to any appeal or revision.

18-A. *Power of Controller to appoint Commissioner.*—The Controller shall have powers to appoint a Commissioner in any proceeding pending before him and for this purpose, he shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908). ”.

16. *Amendment of section 19, Tamil Nadu Act 18 of 1960.*—In section 19 of the principal Act, for the words, brackets and figures “ The Controller shall summarily reject any application under sub-section (2) or under sub-section (3) of section 10 or under section 14, 15 or 16 which ”, the words, brackets, figures and letters “ Any application under section 3-A or section 12, and any application under sub-section (2) or sub-section (3) or sub-section (3-A) of section 10 or under section 14, 15 or 16, shall be summarily rejected by the authorized officer or the Controller, as the case may be, if such application ” shall be substituted.

17. *Amendment of section 22, Tamil Nadu Act 18 of 1960.*—Section 22 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :—

“ 2. The land shall not, while making repairs, render the building uninhabitable by digging up the door or by removing any door or window or by causing any other damage to any part of the building. ”.

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18. *Amendment of section 23, Tamil Nadu Act 18 of 1960.*— In section 23 of the principal Act, in sub-section (1), or the expression “*Fort St. George Gazette*” the expression “*Tamil Nadu Government Gazette*” shall be substituted.

19. *Substitution of section 25, Tamil Nadu Act 18 of 1960.*— For section 25 of the principal Act, the following section shall be substituted, namely :—

“ 25. *Revision.*—(1) The High Court may, on the application of any person aggrieved by an order of ...the appellate authority, call for and examine the record of the appellate authority, to satisfy itself as the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein and if, in any case, it appears to the High Court that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, it may pass orders accordingly.

(2) Every application to the High Court for the exercise of its power under sub-section (1) shall be preferred within one month from the date on which the order or proceeding to which the application relates is communicated to the applicant :

Provided that the High Court may, in its discretion, allow further time not exceeding one month for the filing of any such application, if it is satisfied that the applicant had sufficient cause for not preferring the application within the time specified in this sub-section. ”.

20. *Amendment of section 30, Tamil Nadu Act 18 of 1960.*— In section 30 of the principal Act,—

(1) for clause (i), the following clause shall be substituted, namely :—

“ (i) any building for a period of five years from the date on which the construction is completed and notified to the local authority concerned; or ”;

(2) in clause (ii), for the words “two hundred and fifty rupees”, the words “four hundred rupees” shall be substituted;

(3) after clause (ii), the following clause shall be added namely :—

(iii) any lease of a building under which the object of the tenant is to run the business or industry with the fixtures, machinery, furniture or other articles belonging to the landlord and situated in such building.

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Illustration (1).—Where a dal mill as such is the subject matter of the lease and where the intention of the tenant is to run the business with the machinery in the building in which such dal mill is housed, the Act does not apply to such building.

Illustration (2).—Where the lease is of land and building together with fixtures, fittings, cinematograph talkie equipments, machinery and other articles, the Act does not apply to such building.

Illustration (3).—Where a hotel building together with the furniture, machinery and other articles necessary for the running of hotel business is leased and the tenant is to run the hotel business in such building, the Act does not apply to such building.”.

21. *Amendment of section 31, Tamil Nadu Act 18 of 1960.*—In section 31 of the principal Act,—

(1) the words “ or district board ” and “ district board ” shall be omitted;

(2) for the words “ Corporation of Madras ” occurring in two places, the words “ municipal corporation of Madras or municipal corporation of Madurai ” shall be substituted.

22. *Amendment of section 32, Tamil Nadu Act 18 of 1960.*—In section 32 of the principal Act, after the words “ any person authorized by him in this behalf ”, the words “ or the authorized officer ” shall be inserted.

23. *Amendment of section 33, Tamil Nadu Act 18 of 1960.*—In section 33 of the principal Act,—

(1) for sub-section (1), the following sub-sections shall be substituted, namely :—

“ (1) If any person contravenes any of the provisions of sub-sections (1), (2), (4) and (5) of section 3, sub-section (4) of section 3-A, sub-sections (1) (a) and (2) (a) of section 7, sub-section (1) of section 8, sub-section (1) of section 17, section 21, sub-section (2) of section 22 or section 32, or any order under sub-section (3) or sub-section (3-A) of section 10 or sub-section (3) of section 17, or any of the conditions in the notification issued under section 29, he shall be punishable with fine which may extend to two thousand rupees.

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(1-A) Any landlord or the member of his family, as the case may be, who, after obtaining possession of a building under sub-section (3) or sub-section (3-A) of section 10, does not occupy it within one month of his taking possession or having so occupied, vacates it without reasonable cause within six months of such date, shall be punishable with fine which may extend to two thousand rupees. ”;

(2) in sub-section (2), for the words “ one thousand rupees ” occurring in two places, the words “ two thousand rupees ” shall be substituted;

(3) in sub-section (3), for the words “ one thousand rupees ” occurring in two places, the words “ two thousand rupees ” shall be substituted.

24. *Amendment of section 34, Tamil Nadu Act 18 of 1960.*—In section 34 of the principal Act, for sub-section (4), the following sub-sections shall be substituted, namely :—

(4) (a) All rules made under this Act shall be published in the *Tamīl Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. ”.

25. *Omission of section 36, Tamil Nadu Act 18 of 1960.*—Section 36 of the principal Act shall be omitted.

26. *Omission of section 39, Tamil Nadu Act 18 of 1960.*—Section 39 of the principal Act shall be omitted.

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27. *Disposal of pending proceedings relating to fixation of fair rent.*—Every proceeding relating to the fixation of fair rent pending before the Controller or any authority on the date of the coming into force of this Act shall be decided in accordance with the provisions of the principal Act.

Explanation.—For the removal of doubts, it is hereby declared that any decision in such pending proceeding shall not bar the landlord or the tenant from applying for re-fixation of fair rent under sub-section (3) of section 5 of the principal Act, as amended by this Act.

28. *Tamil Nadu Act 18 of 1960, to be made permanent.*—The Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960), as amended by this Act, is hereby made permanent.

29. *Insertion of new Schedules in Tamil Nadu Act 18 of 1960.*—In the principal Act, the following Schedules shall be added at the end, namely :—

SCHEDULE 1.

(See section 4.)

AMENITIES.

- (1) Air-conditioner.
- (2) Lift.
- (3) Water cooler.
- (4) Electrical heater.
- (5) Frigidaire.
- (6) Mosaic flooring.
- (7) Side dadoos.
- (8) Compound walls.
- (9) Garden.
- (10) Over-head tank for water-supply.
- (11) Electric pump and motor for water-supply.
- (12) Playground.
- (13) Badminton and Tennis courts.
- (14) Sun-breakers.

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(15) Amenity referred to in the first proviso to sub-section (4) of section 4.

(16) Usufructs, if any, enjoyed by the tenant.

(17) Features of special architectural interest.

SCHEDULE II.

(See section 4.)

Rates of depreciation.

<i>Type of buildings.</i>	<i>Rate of depreciation per annum.</i>
(1)	(2)
1 Buildings built in lime mortar and in which teak has been used throughout.	1 per cent
2 Buildings built partly of brick in lime mortar and partly of brick in mud and in which teak has been used.	1½ per cent.
3 Buildings built in brick in mud and in which country wood has been used.	2 per cent
4 Buildings which are inferior to those of class 3 with brick-in-mud unplastered walls and mud floors and in which cheap country wood has been used.	4 per cent

Explanation.—(1) The depreciation shall be calculated for each year on the net value arrived at after deducting the amount of depreciation for the previous year.

(2) The amount of depreciation shall in no case be less than ten per cent of the cost of construction of the building.

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(3) The actual depreciation of a building aged 'n' years is calculated by using the formula—

$$P = A \left(\frac{100-r}{100} \right)^n$$

where P—total cost of construction of the building.

r—rate of depreciation per annum.

n—age of building (i.e., the number of years).

p—the final depreciated value of the building.

The amount of depreciation will be equal to ('A'—'P') subject to a minimum of ten per cent of 'A'.

